

**BATTLE CREEK CITY PLANNING COMMISSION
MEETING MINUTES
Wednesday, April 25, 2012**

1. Call to Order:

Chairman Preston Hicks, called the meeting to order at 4:00 p.m.

2. Attendance:

Members Present:

Susan Baldwin (Mayor)	John Godfrey	John Stetler
Steve Barker	Preston Hicks	Dave Walters
Jan Frantz	Chip Spranger	

Members Excused: Dan Buscher

Staff Present: Christine Hilton, Planning Supervisor
Eileen Wicklund, City Attorney
Susan Bedsole, Director License & Compliance
Glenn Perian, Senior Planner
Leona Parrish, Administrative Assistant, Planning Dept.

3. Additions or Deletions to the Agenda: None

4. Approval of Minutes: Meeting Minutes of March 28, 2012.

MOTION WAS MADE BY COMMISSIONER GODFREY, SUPPORTED BY COMMISSIONER SPRANGER, TO APPROVE THE PLANNING COMMISSION REGULAR MEETING MINUTES FOR MARCH 28, 2012 AS PRESENTED.

VOTE ON MOTION: ALL IN FAVOR; NONE OPPOSED; MOTION CARRIED.

5. Correspondence: None.

6. Public Hearings and Deliberation/Recommendations:

- A. Special Use Permit #S-03-12:** Petition from New Harvest Christian Center, Mr. Ivan Lee, 155 W. VanBuren Street, Battle Creek, MI 49017. Requesting a Special Use Permit of the following described property for use as a Church and Christian Center as permitted under the Planning and Zoning Code, Chapter 1290.02(b)(23), for property located at 155 W. VanBuren Street, Parcel #0253-00-018-1.

Ms. Christine Hilton, Planning Supervisor, stated the property located at 155 W. VanBuren Street is zoned "C-3 Intensive Business District" and that churches in addition to related uses such as worship space, religious education, gymnasium/multi-purpose room, wedding/receptions, religious oriented retail such as bookstore, and after school programs are allowed by Special Use Permit for the entire building which is just over 60,000 sq. feet. Stated they do not intend to provide daycare and there is sufficient parking with a combined total of approximately 117 spaces and find that it meets the requirements and recommend approval of this Special Use Permit based on the standards in the ordinance as listed in the staff report.

Commissioner Hicks Opened the Public Hearing:

Pastor Ivan Lee, Pastor for New Harvest Christian Center was present to speak; stated they will be holding regular church services as they are in need of additional space for such things as youth choir practice at the same time they are holding bible study and at times gets noisy and would provide additional space in addition to their youth orientated programs. Said they are a very youth orientated ministry and having the high school nearby is helpful to reach their mission to provide the support to them to become successful young adults and to be an asset to the community.

Mr. Ellison Crittendon, Elder for the Church, came forward to speak; said they have out grown their current church and they have programs for the youth from time to time. Said this would be an ideal location for them; as Pastor Lee stated with the high school across the street, they want to help the young people before they are 18 & 19 years old to have the frame of mind to trust and love the lord. Stated he is hoping the Planning Commission approves the request.

Ms. Donna Guy, Assistant Pastor of the New Harvest Church, stated they have outgrown their current church and have many young people coming, especially the young men and are trying to reach the young men in the area. Said they have many that currently attend their church and giving their life to God. Said she has lived in Battle Creek since 1963 and worked for Summit Pointe that is near the new location and had attended MSU and worked with the youth; they have a vision to help council and provide direction and resources.

Ms. Vernice Crittenden, 189 Redner, stated she has lived in Battle Creek since she was two-years old and have attended church all her life and is one of the ministers at New Harvest Christian Center. Said she has been a member there for a only few years and have watched the church grow and they need room for the many young people that attend who are engaging the church process and changing their lives with bringing their friends to the church and have run out of space. Noted she would be doing crafts and teaching the young women to learn to sew, iron, etc., and learn to make things with their hands for themselves instead of having to buy them. Stated they need the extra space to draw the young persons in to the church and hope the city is behind them.

Ms. Jesse Robinson, 54 Jennings Rd., stated she is also church member and is a trustee and that the majority of her family are members of New Harvest; with her family alone they need more space. Said they want to do the work that they are currently doing in a larger scale and this location would allow them to do so.

Mr. Mark Jones, 46 East Ave., N., NPC #4 Chairperson, came forward to speak and stated there was some confusion as to which Neighborhood Planning Council this property was within and that the applicant had not attended their meeting. Said speaking as the NPC Chairperson on behalf of their council and the feelings they have expressed in the past; they would welcome this type of use of the facility as they welcome churches and also hold their meetings in a church. Said they like the presence they bring and that it would be beneficial to the neighborhood. Mr. Jones said again this was his impression; as the NPC had not taken a formal vote.

With no others wishing to speak, Commissioner Hicks closed the public hearing.

MOTION BY COMMISSIONER FRANTZ, SUPPORTED BY COMMISSIONER GODFREY TO APPROVE THE SPECIAL USE PERMIT FOR USE AS A CHURCH

AND CHRISTIAN CENTER FOR PROPERTY LOCATED AT 155 W. VANBUREN STREET AS IT MEETS THE STANDARDS IN CHAPTER 1290.04; TO INCLUDE STAFF RECOMMENDATIONS AND CONDITIONS OUTLINED IN THE STAFF REPORT.

Discussion:

Commissioner Frantz asked regarding condition (c) in the staff report and if occupancy meaning not dwelling and if the standards noted in the staff report were standard conditions and if the applicant had an opportunity to see the conditions outlined. Ms. Christine Hilton stated condition (c) outline only defines the use of the building as noted in the city ordinance and yes, they are standard conditions; yes, the applicant had received and reviewed the conditions prior to this meeting.

Commissioner Hicks asked if a parsonage would be allowed along with this church use. Ms. Hilton stated a parsonage was not included in the Special Use Permit application however it would be considered an accessory to a church and would need to apply for if they wished at a later date.

Commissioner Godfrey thanked Pastor Lee for using an existing vacant building; and in listening to those that had spoken it sounds like growth is what they intend on doing and asked if the current 117 parking spaces would be enough for the future. Pastor Lee stated their previous church had approximately 30 parking spaces, so 117 spaces would be 4 times the growth; noted a lot of them are youth that have no vehicles. Stated at this time he has spoken with Dr. Hicks, who has asked to use some of their parking spaces and he said he also would want to possibly use some of theirs in the future along with Mr. Erv Brinker, CEO at Summit Pointe who is next door; they would share with them in the future if more are needed.

Commissioner Godfrey suggested if this is approved that maybe the youth could be helpful in policing the trash on the linear path along the river nearby. Pastor Lee stated yes, that is something the youth could help do as it is those types of activities they plan for their youth.

VOTE ON MOTION: ALL IN FAVOR; NONE OPPOSED; MOTION CARRIED.

- B. Special Use Permit #S-04-12:** Petition from Ms. Jolene M. Lussier, 335 W. Territorial Rd., Battle Creek, MI 49015. Requesting a Special Use Permit to allow a Home Salon and Day Spa as permitted under the Planning and Zoning Code, Chapter 1290(b)(30), for property located at 335 W. Territorial Road.

Ms. Christine Hilton, Planning Supervisor, stated the property located at 335 W. Territorial Road is 1.82 acres in size with 290 ft. frontage along Territorial Road, 272 ft. frontage along Foster Ave. and 290 ft. of frontage along Fairfield Avenue. Stated the City Assessor records show it was built in 1856 and is 4,700 sq. ft. in size which is zoned "R-1B Single Family Residential", and has been a legal non-conforming commercial business with a photographers office, architect office and adult foster care use in the past. Stated the legal non-conforming use expired with the previous owner who occupied this property entirely for residential purposes and now Ms. Lussier purchased this property and is occupying the upper floor and that typically as a home occupation it would be allowed by right, but because the applicant wishes to have staff employees it would require a special use permit. Ms. Hilton stated they recommend approval with a few conditions such as the parking

area that would need to be stripped prior to its use and that Ms. Lussier wishes to use the existing sign and staff recommends that it not be any larger or taller than the existing sign.

Commissioner Hicks Opened the Public Hearing:

Ms. Jolene Lussier, 335 W. Territorial Rd., came forward to speak on behalf of her application; stated she has done business in Battle Creek for over 20 years mostly as a realtor and had always wanted to become a hairdresser and had went back to school to get her license to do hair. Said she has always liked this home and had been working on it since the storm damaged it one-year ago and that she had been approached by persons asking to work for her and that the neighbors stated they were thankful for the renovations she has been doing. Said she would like to have maybe six to ten staff persons with some being part-time and would want the renovations to remain the same and look like a residential property. Noted she wanted to put a fountain where the existing sign is and have the new sign sit lower than the current sign.

With no others wishing to speak, Commissioner Hicks closed the public hearing.

MOTION BY COMMISSIONER FRANTZ, SUPPORTED BY COMMISSIONER SPRANGER TO APPROVE THE SPECIAL USE PERMIT FOR USE AS A HOME SALON AND DAY SPA FOR PROPERTY LOCATED AT 335 W. TERRITORIAL ROAD, AS IT MEETS THE STANDARDS IN CHAPTER 1290.04; TO INCLUDE STAFF RECOMMENDATIONS AND CONDITIONS OUTLINED IN THE STAFF REPORT.

Discussion:

Commissioner Godfrey thanked Ms. Lussier for her interest in this historic property and noted that in the past Territorial Road was the original main road between Detroit and Chicago. Commissioner Godfrey asked how much parking is currently available and is it enough spaces for the business. Ms. Lussier stated she recently had a family party and had 15 cars just across the front, with having additional 4 cars in the front; stated the lot is almost 2 acres and would have ample room to add additional parking if needed though she understands she would be required to come back before the Commission.

Commissioner Godfrey asked what the hours of operation would be. Ms. Lussier stated they would be closed on Sundays, and Monday – Saturdays the hours would be 10:00 A.M. – 7:00 or 8:00 P.M.

Commissioner Godfrey asked if during the winter months would there be lighting, if so would it be disturbing to the neighbors. Ms. Lussier stated the building currently has flood lights that go in both directions that have been in use for many years and she does not plan on adding any additional lighting as she wants it to have the appearance of a residential property.

Commissioner Walters stated he grew-up on Winter Street which is close by and is grateful for this building to be used in the neighborhood and knows it was hit hard with this last big storm and feels it would improve the neighborhood. Stated he admires her for taking on a new career and also wanted to thank her for renovating an older building and doing something positive with it.

VOTE ON MOTION: ALL IN FAVOR; NONE OPPOSED; MOTION CARRIED.

- C. **Amendment to the Planning & Zoning Code – (Creation of Chapter 1275 “VWHP-OD Verona Wellhead Protection Overlay District”):** The purpose of the Verona Wellhead Protection Overlay District (VWHP-OD) is to protect public health and safety by minimizing contamination of shallow/superficial aquifers and preserving and protecting existing and potential sources of drinking water supplies in the Verona Well-Field.

Ms. Eileen Wicklund, City Attorney, stated the proposed general ordinance and overlay district is to protect the groundwater, which is the source of the City of Battle Creek’s drinking water. Stated they have determined the draft ordinance is still in need of work and modifications made. Therefore, the Planning Commission will not be taking any action on this agenda item at today’s meeting and would like to hold the public hearing to allow persons here today to speak in addition answer any questions they might have and also take into consideration their comments when making revisions to the general ordinance.

Discussion:

Ms. Christine Kosmowski, Environmental Programs Coordinator, also Coordinator of the Wellhead Protections Team for the City of Battle Creek. Said along with her is Mr. Jim Brode, Hydro-geologist with Fleece and Vander Brink Engineering and also the City’s Consultant Hydro-geologist for the Wellhead Protection Team. Ms. Kosmowski said they are both present to speak and provide information and that they need an ordinance to protect the drinking water in the Battle Creek area; she explained the map of the wellhead protection area and the outline for the 10-year timeline for the flow of water into Battle Creek. Noted the majority of the protection area falls within Pennfield Township, who has enacted a wellhead protection ordinance and that the other area falls within Emmett Township, with having only 7% being in the City of Battle Creek. Ms. Kosmowski stated the map boundary outlines are based on computer modeling that determines how the ground water flows into the City of Battle Creek’s Verona Wellfield.

Commissioner Stetler asked if the Pennfield Township ordinance was compatible and what is the status of Emmett Township. Ms. Kosmowski stated they have worked collaboratively with them and it is similar with Pennfield Township’s ordinance, which has been in place for the past five-years and that Emmett Township does not have one in place as yet.

Commissioner Godfrey asked what the other two lines of the map represent other than the 10 year outline shown. Ms. Kosmowski stated the red line is 1-year time-of-travel and the orange line is the Michigan Development of Natural Environmental Quality 2,000 ft. isolation distance from the outer most water wells in the wellfield.

Commissioner Godfrey asked how this would impact the train-yard that is within this area. Ms. Kosmowski stated they have a 30-year contract that was put in place and have blocking wells to capture containments from the three sites and that water is not a part of the Battle Creek water supply.

Commissioner Hicks asked how the 10-year perimeter works and how it is monitored. Ms. Kosmowski stated it is a standard 10-year time-of-travel outline to try and manage that area possibly at risk; that businesses can receive free environmental assessment of their facility with grant monies without the city being notified and is confidential and can also get a spill plan. Said they want to try to educate everyone to protect our water.

Commissioner Stetler asked if the Attorney's Office will define what the word "department" is in the ordinance. Ms. Wicklund said the new version provides that information. Stated new uses or expansion of current uses need to be regulated to prevent contamination and would not outlaw existing uses, but need to regulate to ensure there are no contaminants being sent to the aquifer.

Commissioner Godfrey asked if any residential uses would be restricted. Ms. Wicklund stated only non-residential properties. Ms. Kosmowski stated it would only include new businesses that would go through the site plan review process; which does not include residential properties.

Commissioner Stetler asked about any of the oil wells that are present; if they are monitored and by whom. Mr. Brody stated the newer wells have no problem and that the old wells used to drill through salt zones, which was a concern. Said they are monitored by the DEQ as the State of Michigan regulates them the same as they do with oil wells.

Commissioner Godfrey asked if there were any landfills within this area that would reach into the ground. Mr. Brody stated he did not believe there were any.

Commissioner Hicks Opened the Public Hearing:

Mr. Michael Clark, 5061 Energy Drive, Flint Michigan, Director of Environmental Quality & Strategic Planning for RJ Torching Corp., which owns HMS Corp. Recycling Facility, located within the S.W. portion of the area outlined directly across the street from Kellogg Co., stated they have questions about what they can and cannot do, as they have 29 acres there and have been very diligent in working with the Department of Environmental Quality and USCPA to make sure they do not add any type of pollution. Said he has worked with the City of Battle Creek and done a survey, which found they needed to add some labeling to containers on site with no pollution detected. Stated they do not allow fluids on the ground and are in the process of expanding and purchased this property because it has a railroad spur. Railroad is helpful for delivery and pick-up of recycled steel and they are environmentally friendly with new products that do not allow pollution to come out. Stated they are interested in the Blocking Wells that were noted which might be helpful to them also. Mr. Clark asked which direction does the water in the Marshall aquifer flow, also how deep is it and the time-travel of water pertaining to their property. Referenced the time-travel outline for their property and said if they ran it up north and south along the line to Emmett Township and then across to the west to the City of Battle Creek; they might be removed and would not be here, as they have concerns of not being allowed to use their property that they have investment in and that they would be available for questions.

Mr. Patrick McCann, 560 Yorkshire Rd., Marshall, MI, stated he is the person who sold this property to these gentlemen and noted he still owns it; so his property would be from 985 -1145 Raymond Road. He questioned the placement of the outlines on the map with having Kellogg Company not being inside the line seems strange; asked if the data was accurate as it was unlikely the water flow is as shown. Stated he has a problem with holding a public hearing without receiving or viewing that final document. Ms. Wicklund stated there would be another public hearing and would be allowed a final viewing of the ordinance before it is presented for approval.

Mr. McCann stated he would like to know the speed of the water and how long it takes to get to the aquifer and concerned that scrap-yards and land-fills are the only two excluded businesses.

Mr. McCann said their business is very regulated and monitored by the State or DEQ and they are a big business and resent being put on the list of businesses. Said he is concerned with the 7% of water area for Battle Creek when others like Emmett Township have not looked at this ordinance as yet and said they should all come together.

Mr. Mark Jones, Neighborhood Planning Council # 4 Chairperson, stated this is the water they drink and also the water that Battle Creek drinks. Stated they have neighbors that are affected by pollution and are still currently affected; HMS pollutes the air with yellow smoke and that the Fire Department cannot do anything as it is not a fire, and he has seen himself and have pictures of it and does not agree with jurisdiction of who should monitor the contamination. Said in contacting the EPA, Public Health, etc. they say the yellow smoke is a toxic smoke and you can smell the smoke while inside restaurants nearby and that if they cannot abide by air regulations then they need to abide by the water regulations, as person's lives are more important and it is our drinking water for the City of Battle Creek. Mr. Jones said he encourages enforcement with this ordinance also to be included.

Mr. Charles Woods, 523 Bauer St., owner of Whispering Oaks Salvage business for 60 years and said they are a family-orientated business. States they own property on Heath Street to the south and are not on the map this time, but could be next time. Stated they need to address the oil spill and not this issue; and that any changes that are done have a down side to it and need to be aware of more pressing issues then a study that was done two-years ago.

Mr. Mike Miney, 178 N. Gardner, stated he owns CCR & Co. on 1175 N. Raymond Rd. and has owned it for about 20 years and purchased it from Reith & Raleigh Co. Said when it was purchased it had been contaminated and for the past 10-years he has wanted to sell and now have buyers; noted that a prospective buyer had done a Phase I testing and said they could not touch this property because of the environmental issues. Stated since then they have had other say the same and this ordinance will virtually make his 7 acres worthless to him as you would not be able to anything with it. Stated there needs to be a business in Battle Creek for recycling where people can take their cars, etc. Asked what is done with the three blocking wells that was mentioned and would like to know what was their purpose; do they pump the water and what do they do with it.

Ms. Karen Wey, owner of a waste and recycling business at 1185 Raymond Road, stated her and her husband purchased this business approximately six-months ago and invested in a contaminated site. Said when they reviewed the reports they did not feel that the business they were planning on running was not going to do anything different to the current status. Said they have done water samples since buying and that the water has not changed. Said she wants to be a part of the solution and not the problem and need to find a way to regulate and not eliminate as you cannot eliminate the persons, businesses, etc. as commercial businesses do help the residents.

Mr. Jason Roughdon, on behalf of HMS, wanted to address the comment made regarding toxic smoke; said they only violate the opacity which is the ability to see through the air and have tested at the property line with 29 points on the property and not one ounce of air pollution left that property at any given time. Said he believes the remarks previously made were off cantor. Stated they are the largest employees in Flint, Michigan for scrap metal and it is needed for anything that is made today. Said they will have a new item this year to stop the smoke later as technology allows. Stated recycling is a very large need by the community and bought the

property as an "I-2 Heavy Industrial zoned parcel", now have to deal with this and are trying to provide positive growth in the Battle Creek area.

With no others wishing to speak, Commissioner Hicks closed the public hearing.

Mayor Baldwin asked Ms. Christine Kosmowski how the boarder lines had been determined and the water flow, etc. Ms. Kosmowski stated Mr. Jim Brode had set those border lines. Mr. Jim Brode stated the Verona Well-field is one of the most studied sites in Michigan; they have a lot of data to do assessment and geological surveys that were done and used their model. Noted the ground water flow converges into the well-field and makes the shape of the lines because of the flow from the northeast, northwest and also from the south and is mapped out with studies that have been done. Said along the river, aquifer depth is shallow being 10 ft. and can be exposed under the river and other locations can go down to 100 ft. with the average being 40 ft. to the top of aquifer.

Mayor Baldwin asked regarding the monitoring wells being 100's of them; where can you say they are located. Mr. Brode stated they are all around within the red zone and to the south where the solvent site is and around that area also. As you get further out to the 10-year time of travel, there are not as many.

Mayor Baldwin asked how is it determined which direction the water goes, north or south. Mr. Brode said you use the water level measurements, where you measure the depth of the water in a well and equate it to a surface elevation and then map a surface as long as you have three points it can be determined which way that surface slopes; in this case we have a lot of points, so you can determine the slope of that surface called a gradient and determine which way the ground water flows. Mayor Baldwin asked if this is done with the monitoring wells. Mr. Brode, said yes.

Commissioner Hicks asked about the blocking wells that were previously mentioned. Ms. Kosmowski said there are eight blocking wells and not three, which are in use every day and pump the ground water that has been contaminated by the Thomas Solvent Grand Trunk Railroad contamination. Said over time that contamination has lessened, so that particular water can be discharged without being remediated any further and can be discharged into the Battle Creek River with what is known as a National Pollutant Discharge Elimination Systems Permit, so it can be legally discharged back into the Battle Creek River. Noted that previously there was a remediation system in the well-field itself, with two other systems located as a part of this contamination incident at two different sites where solvents were loaded and unloaded onto railroad cars what is now called the Canadian National.

Mr. Jim Brode stated the blocking wells are currently in place and pump a lot of water and are there now to clean-up the problem that was needing to be addressed, but are costly to run and may get shut off at times as the contamination lessens; that the goal is to eventually turn them off.

Ms. Kosmowski stated currently there are 3-million gallons per day being pumped by the blocking wells and the city pumps around 10-million gallons per day for all the citizens in the community. Commissioner Hicks asked where does it get pumped. Ms. Kosmowski stated it is processed at the Verona Pumping Station and then distributed throughout the community to various water towers through a system of water mains.

Commissioner Spranger asked where does the 3-million gallons go; who pays for the blocking wells and what the impact was to existing businesses. Ms. Kosmowski said the 3-million is discharged into the Battle Creek River and the ones who pay are the principle responsible parties which are those that are determined to be at fault for the contamination and has been through the Super Fund process and at one point have been considered a national priority pollutant site because of the degree of contamination that had occurred.

Commissioner Spranger asked since our draft ordinance has some blanks in it currently and not able to follow; what is the impact to the existing businesses, they sound like they would be shut down. Ms. Kosmowski said as Ms. Wicklund noted; that is the point that she was referring to and would be further refining. Said those businesses would be considered a non-conforming use because they are existing within that overlay district and they have what is called a performance standard manual that would outline measures and would need to be taken to run a well ran facility to protect the ground water. Said those are the linkages between the performance standards and two elements of the general ordinance; and the overlay district is what needs to be completed.

7. **Old Business:** None

8. **New Business:** None

9. **Comments by the Public:** None

10. **Comments by the Staff and Commission Members:**

Commissioner Frantz asked about road-side memorials, if they are allowed by zoning and if the property owners can remove them or if they are in the road right-of-way can the city remove them. Asked what steps are taken to remove them such as the one on Clark Rd. where it has become excessive with skid marks in the road next to the memorial. Stated to please be aware their hearts do go out to those who have lost loved ones; but at times it has become excessive.

Ms. Eileen Wicklund said if they are brought to the city's attention as a concern and are in the cities road right-of-way the city may have them removed. If it is on private property it would be the property owner's responsibility to handle. Ms. Susan Bedsole said if it is privately owned property or commercial property it would become a maintenance issue and would need to be addressed; said there is a fine line of what is considered junk and or wanted items by different persons. Ms. Wicklund stated if the property is well maintained, it is difficult to enforce removal.

Commissioner Frantz asked at what point in time do our ordinances or whatever is allowing the road side memorials to exist before they are removed do we suggest to people that there are other methods and other places to morn. Ms. Wicklund stated they would be addressed if they were complaint driven when it is on private property.

Commissioner Godfrey stated if it is determined it is private property and the property owner is approached and say it is fine with them; then is it a moot issue.

Ms. Wicklund stated if it does not violate any other city ordinance and or if it starts to migrate to other areas or get torn up etc.

Ms. Bedsole stated a cross nailed to a tree is not necessarily going to be considered junk and trash from the cities prospective; if things are being blown around it would be different. Commissioner Frantz asked if the police are made aware of car issues in the road. Ms. Bedsole stated that the police have been made aware that if cars are coming to a stop in that area and leaving skid marks as they leave, so they can see if they can catch them.

Commissioner Frantz asked if it had been determined to be on private property. Ms. Bedsole stated they did not have a tape measure long enough during initial inspection but that the aerial map shows it as just being off the road right-of-way and would need to be measured from the road center to be sure.

Commissioner Frantz stated that Battle Creek Unlimited is concerned about the Clark Rd. memorial in the Fort Custer area with the debris that is flowing elsewhere and potential hazard in the road.

Commissioner Frantz said they are also concerned about allowing the existence of homeless encampments as they are opportunities for crime and waste going into the surface water possibly the aquifers they just discussed; especially the encampments in around the downtown area which is counter-intuitive to the millions of dollars they are spending to revitalize the downtown and asked what allows these encampments. Ms. Eileen Wicklund stated there is no ordinance that disallows homeless encampments and would need to be addressed individually whether the property is private or city owned; said the article they all had received done an excellent job in saying that you need to look at each situation and is sensitive as persons living there may be mentally ill, homeless, etc.

Ms. Wickland asked if there was a specific area and if it is public property they can have the police move them along, but would not be able to arrest them just for the mere fact it is a homeless encampment necessarily; if they give them an opportunity to leave and they do so. Said there is not just an ordinance that can be adopted to say that an officer can go in and make arrest for those in a homeless encampment because they could tend to have criminal actions there; the homeless persons need to have their needs addressed by different resources that are available to help them.

Commissioner Frantz said she would like the city to have a plan to deal with homeless encampments.

Commissioner Godfrey stated he was not sure if the Mayor could give insight for the current situation but when he was Mayor the Homeless Coalition worked very hard with this situation and they used to get reports to the commission from them on this particular situation. Said there is one night a year where they do a count of that population; but it appears to be a situation that needs a plan and that it does not rest with this body, as it is a City Commission issue.

Commissioner Walters stated with his past police experience of being a police officer for 20 plus years; normally the police department go in there with empathy and also with the resources just mentioned and have the information available to provide to them and have the ability to transport them. Said in the past they treated them on a case-by-case basis and the officers are very aware of these locations and use the resources that are available to help them and that is where they start; also work with the Homeless Coalition.

Ms. Eileen Wicklund said in particular the Michigan Department of Transportation property; she has had police officers come to her to want to take action in those areas and she has not been able to find anyone in MDOT that has the ability or authority to give a police officer the authority to move these people on. Ms. Frantz said the State Police can if it is MDOT. Ms. Wickland stated even if it is the State Police somebody has to give them the authority from the State.

Commissioner Frantz stated they need a plan set to work with MDOT to relocate the homeless from the downtown area such as Exit #3 off M-66 onto Dickman Road.

Commissioner Hicks stated he respectfully appreciates Ms. Wickland and Commissioner Frantz awareness, sensitivity, magnitude, scope, and intensity of these issues and it is a human condition; also appreciate the questions on both issues. Said he does not think this is within the purview of this body at this time and this conversation should happen somewhere else.

Mr. George Bratcher, Real-Estate Appraisal & Consulting Business, 207 W. Columbia Avenue came forward to speak and noted for the past 1 ½ years he has tried to get the Gary Saw Shop building on Columbia Avenue and with the help of the city and others have finally made some progress as it has to be either demolished or have plans approved for renovation by May 8th. Said he is here for two reasons; he had spoken to Ms. Hilton several times and states the reading of the ordinance is that the building may be renovated or rebuilt and he thinks it is a bad interpretation of the zoning ordinance, as you are left with a person who lets their property fall down and can rebuild it; where someone with the same building across the street who maintains their building can have a storm destroy it and they cannot rebuild even though it had been maintained for many years.

Mr. Bratcher's second question is that in review of the City ordinance the wording "Act of God" language and 50% of insurable value is totally antiquated language; that he does real-estate appraisals as far west as Deadwood, South Dakota, Dallas, etc. and in each appraisal they have a zoning section where they discuss the impact of zoning and the value of property and do not recall any that spoke to an "Act of God" and 50% of insurable value and the ordinance needs to be changed.

Commissioner Godfrey asked if the building had been abandoned and is a walk away. Mr. Bratcher stated yes it is abandoned, but the owners have accepted the responsibility for the building and have had discussion to rebuild.

Commissioner Godfrey asked if it is within the BID. Mr. Bratcher stated yes. Commissioner Godfrey asked if the bid has the legal capability to condemn the building. Mr. Bratcher stated he does not think so, no.

Commissioner Godfrey asked if the BID could amass the finances to tear the building down. Mr. Bratcher said they might be able to, but someone would have to ask them to do so and the decision that they can rebuild suggests they will not have to answer that question. Mr. Bratcher states the board has discussed putting money towards demolishing the building and have spoken to the property owners to the West of it to see if they would be interested in contributing towards the cost and at this point he does not know if the owners want assistance in the cost of

demolishing if the decision has been made that it can be rebuilt then tearing it down is not the issue; although he believes it should be torn down.

Commissioner Spranger asked if anyone knows the status of this building and will it be torn down or rehabbed and is it abandoned and vacant. Ms. Susan Bedsole stated it is not abandoned it has an owner who has been in contact with the city and has been through the Dangerous Buildings and Housing Board of Appeals process. Stated it has a roof that has collapsed and is still structurally sound and does have a court order to have it repaired or demolish by May 8th date. They are going through the process just like anyone else as it is private property.

Commissioner Hicks noted the item on today's agenda regarding the amendment for the Verona Wellhead Protection Overlay District; asked if the purpose was to just hold the Public Hearing to allow persons to speak. Ms. Wicklund stated yes, originally this was noticed as a public hearing because of the adoption of the Overlay District was up for the Planning Commissions consideration and is a companion to the "general ordinance" for the Well Head Protection Area which only goes to the City Commission as it is a "general ordinance" and not a zoning ordinance. Stated she also had questions herself regarding the existing properties and that a portion had not been worked out as yet and is premature and needs additional work before going to the City Commission. However, since there was a public hearing notice and persons had been notified of today's meeting, they are allowing anyone to speak at this time which would also allow them to use this feedback in helping them formulate the final version of how they will deal with the existing properties that are already there.

11. **Adjournment:** The meeting was adjourned at 5:50 P.M.

Respectfully Submitted,

Christine M. Hilton, AICP
Executive Secretary, Planning Commission